

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>Case No. 8:13CR105</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>-vs-</b>	)	<b>MOTION TO FILE UNDER SEAL</b>
	)	
<b>TIMOTHY DEFOGGI,</b>	)	
<b>Defendant.</b>	)	

Comes now defendant and respectfully requests that this Court allow him to file his Index in Support of his Motion to Dismiss under restriction because the motion contains private information that should not be released to the public.

Respectfully submitted,  
Timothy Defoggi, Defendant

/s/ John S. Berry  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon Michael Norris, Assistant U.S. Attorney and Keith A. Becker, U.S. Department of Justice, by electronically serving a copy of the same to both via CM/ECF, on this the 4<sup>th</sup> day of June, 2014.

/s/ John S. Berry

John S. Berry, #22627